

PATENT
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tolerance polypeptide at effective levels in a cell renders the cell tolerant towards an herbicide, the method comprising:

- (a) providing a plurality of nucleic acid segments derived from a plurality of variant forms of a gene, wherein the gene encodes a UDP-N-acetylglucosamine enolpyruvyltransferase;
- (b) recombining the plurality of nucleic acid segments to produce a library of recombinant nucleic acids;
- (c) screening the library to detect a recombinant herbicide tolerance nucleic acid that encodes an herbicide tolerance polypeptide that catalyzes the conversion of phosphoenolpyruvate plus shikimate-3-phosphate to 5-enolpyruvylshikimate-3-phosphate, wherein expression of the herbicide tolerance polypeptide at effective levels in the cell renders the cell tolerant towards the herbicide; and
- (d) recovering the recombinant herbicide tolerance nucleic acid that encodes an herbicide tolerance polypeptide having EPSP synthase activity.

65. (amended) The method of claim 4, wherein:

step (a) further comprises providing an EPSP synthase nucleic acid segment derived from a gene that encodes an EPSP synthase; and

step (b) further comprises recombining the EPSP synthase nucleic acid segment with the plurality of nucleic acid segments to produce the library of recombinant nucleic acids.

REMARKS

1. *Status of the claims*

Claims 4, 6-8, 11, 14-16, 18-20, 22-24, 28, 30, 32-27 and 61-67 are pending and under consideration with entry of this Amendment.

A marked up copy of the amended claim is provided as an appendix entitled "MARKED COPY OF AMENDED CLAIMS." A courtesy copy of the pending claims as amended is also included.